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Patent

Attorney's Docket No. 1004900-000172



IN THE UNITED STATES PATENT AND TRADEMARK OFFICE

Re Patent Application of

Eugenie CHARRIERE et al.

Application No.: 09/485,533

Filed: June 9, 2000

For: METHOD FOR PREPARING
(POLY)ISOCYANATE
COMPOSITION WITH REDUCED
VISCOSITY

) **MAIL STOP Amendment**

) Group Art Unit: 1796

) Examiner: Rabon A. Sergent

) Confirmation No.: 2035

REQUEST FOR WITHDRAWAL OF NOTICE OF NON-COMPLIANT AMENDMENT

Commissioner for Patents
P.O. Box 1450
Alexandria, VA 22313-1450

Sir:

In response to the Notice of Non-Compliant Amendment dated March 18, 2008, applicants respectfully request withdrawal of the same and prompt entry and consideration of the response filed on September 21, 2007, as supplemented by the response filed on December 12, 2007.

In the above-mentioned Notice of Non-Compliant Amendment, the basis for the assertion that the response filed on December 12, 2007 fails to comply with the requirements of 37 CFR §1.121 is that: "Claim 60 has been identified as being "Currently Amended"; however, no amendment has been set forth by underlining, strike through, or double bracketing. All currently amended claims must set forth markings to indicate what changes have been made." This assertion is factually incorrect.

Exhibit A is a reproduction of page 3 of the response filed on December 12, 2007 which has been downloaded from the Image File Wrapper accessed via the PAIR system on March 21, 2008. A cursory review of this page of the official record of the United States Patent and Trademark Office clearly reveals the amendment which has been made to claim 60, namely, the numeral 1 appearing to the right-hand side of formula (IV) is shown as being deleted by the placement of double brackets

on either side of the number 1. Applicants have added the arrow and highlighting to identify the very same change that has been present in claim 60 since the Response filed on September 21, 2007. Thus, both the amendment made to claim 60, and the status identifier associated therewith presented in the Response filed on December 12, 2007 are in full compliance with the requirements of 37 CFR §1.121.

The Notice of Non-Compliant Amendment dated March 18, 2008 was issued in error.

For the reasons noted above, applicants respectfully request prompt entry and consideration of the response filed on September 21, 2007, as supplemented by the response filed on December 12, 2007, in a manner consistent with stated Patent Office procedures. Namely, as directed by MPEP §714.05:

714.05 Examiner Should Immediately Inspect [R-3]

Actions by applicant, especially those filed near the end of the period for reply, should be inspected immediately upon filing to determine whether they are completely responsive to the preceding Office action so as to prevent abandonment of the application. If found inadequate, and sufficient time remains, applicant should be notified of the deficiencies and warned to complete the reply within the period. See MPEP § 714.03.

All amended applications forwarded to the examiner should be inspected at once to determine the following:

- (A) If the amendment is properly signed (MPEP § 714.01(a)).
- (B) If the amendment has been filed within the statutory period, set shortened period, or time limit (MPEP § 710 - § 710.05).
- (C) If the amendment is fully responsive (MPEP § 714.03 and § 714.04) and complies with 37 CFR 1.121 (MPEP § 714).
- (D) If the changes made by the amendment warrant transfer (MPEP § 903.08(d)).
- (E) If the application is special (MPEP § 708.01).
- (F) If claims suggested to applicant for interference purposes have been copied. (MPEP Chapter 2300).
- (G) If there is a traversal of a requirement for restriction (MPEP § 818.03(a)).

(H) If "easily erasable" paper or other nonpermanent method of preparation or reproduction has been used (MPEP § 714.07).

(I) If applicant has cited references (MPEP § 707.05(b) and §1302.12).

(J) If a terminal disclaimer has been filed (MPEP § 804.02, § 804.03, and §1490).

(K) If any matter involving security has been added (MPEP § 115).

(Emphasis added)

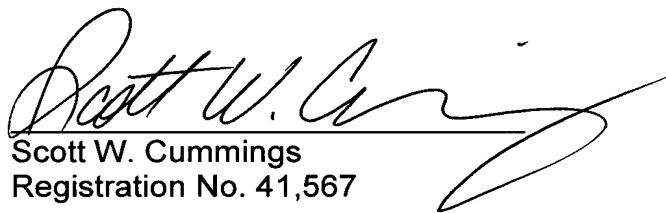
A prompt and favorable action on the merits is earnestly solicited.

Respectfully submitted,

BUCHANAN INGERSOLL & ROONEY PC

Date: March 24, 2008

By:


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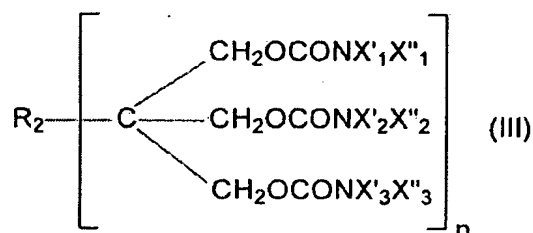
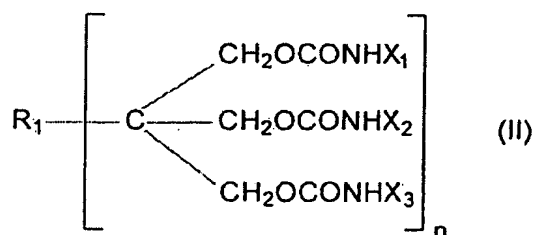
EXHIBIT A

Attorney's Docket No. 1004900-000172

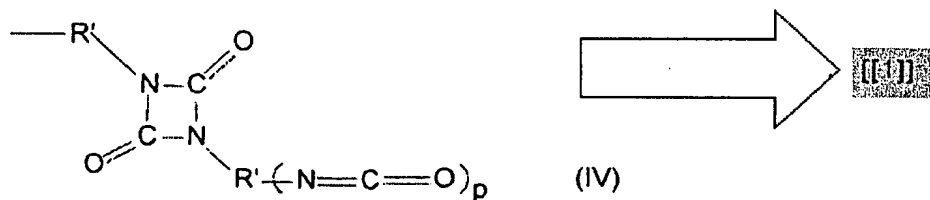
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60. (Currently Amended) A process according to claim 59, comprising adding to the reaction medium containing the starting monomers a compound of general formula II and/or III below:



in which one or more of X_1 , X_2 and X_3 represents a group $R'-(N=C=O)_p$ in which R' is an aliphatic group and p is an integer ranging from 0 to 5, the others representing, a group of formula



R_1 is a hydrocarbon group having 1 to 30 carbon atoms, in which the hydrocarbon chain optionally is interrupted by one or more chalcogen atoms and optionally, bears